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Attorneys for Defendants  
HANESBRANDS INC. and  
SARA LEE CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TINA HOPSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

HANESBRANDS INC.; SARA LEE  
CORPORATION and DOES 1 through 50,  
inclusive,

Defendant.

No. CV 08-0844 EDL

**[PROPOSED] ORDER:**  
**(1) CONDITIONALLY CERTIFYING  
SETTLEMENT CLASS;**  
**(2) PRELIMINARILY APPROVING  
PROPOSED SETTLEMENT;**  
**(3) APPROVING NOTICE TO CLASS AND  
ELECTION NOT TO PARTICIPATE;**  
**(4) APPROVING NOTICE OF PROPOSED  
SETTLEMENT; AND**  
**(5) SETTING HEARING FOR FINAL  
APPROVAL**

1 On July 22, 2008, a hearing was held on the joint motion of plaintiff Tina Hopson and  
2 defendants Hanesbrands Inc. and Sara Lee Corporation for conditional certification of a settlement class  
3 in this action, preliminary approval of the parties' proposed settlement, approval of the notice to be sent  
4 to the class about the settlement and election not to participate in the settlement, approval of the notice  
5 of proposed settlement under the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 ("CAFA"), and  
6 the setting of a date for the hearing on final approval of the settlement. Edward J. Wynne and J.E.B.  
7 Pickett of the Wynne Law Firm appeared for plaintiff; Jeffrey D. Wohl and Anne W. Nergaard of Paul,  
8 Hastings, Janofsky & Walker LLP appeared for defendants.

9 The Court having read and considered the papers on the motion, the arguments of counsel, and  
10 the law, and good cause appearing therefor,

11 IT IS ORDERED:

12 1. The proposed class of full-time and part-time Hanesbrands Service Associates satisfies  
13 the requirements of a settlement class under Federal Rule of Civil Procedure 23 because the class is so  
14 numerous that joinder of all member is impracticable, there are questions of law or fact common to the  
15 class, plaintiff's claims are typical of Class Members' claims and defendants' defenses to plaintiff's  
16 claims are typical of defendants' defenses to Class Members, and plaintiff will fairly and adequately  
17 protect the interests of the class; and questions of law or fact common to Class Members predominate  
18 over questions affecting only individual Class Members, and a class action is superior to other available  
19 methods for the fair and efficient adjudication of the controversy.

20 2. The proposed class of full-time Service Associates also satisfies the requirements of a  
21 collective action under section 16(b) of the FLSA, 29 U.S.C. § 216(b). The Class Members are similarly  
22 situated for purposes of a collective action under section 16(b).

23 3. The parties' proposed settlement, as evidenced by their Settlement Agreement  
24 (Declaration of Anne W. Nergaard in Support of Joint Motion for Preliminary Approval "Nergaard  
25 Decl.", Exh. 1) (the "Settlement") is granted preliminary approval as it meets the criteria for preliminary  
26 settlement approval. The Settlement falls within the range of possible approval as fair, adequate and  
27 reasonable, and appears to be the product of arms-length and informed negotiations, and treats all Class  
28 Members fairly.

1           4.       The parties' proposed notice plan is constitutionally sound because individual notice will  
2 be mailed to all class members whose identities are known to the parties, and such notice is the best  
3 notice practicable. The parties' proposed Notice of Proposed Settlement of Class Action, Conditional  
4 Certification of Settlement Class, Preliminary Court Approval of Settlement, and Hearing Date for Final  
5 Court Approval (Settlement, Exh. A) (the "Class Notice") and their proposed Claim Form and Consent  
6 to Join FLSA Collective Action (the "Claim Form") and proposed Election Not to Participate in  
7 Settlement (Settlement, Exhs. B, C) (collectively, the "Class Forms") are sufficient to inform Class  
8 Members of the terms of the Settlement; their rights under the Settlement to claim a Settlement Share,  
9 comment on or object to the settlement, or elect not to participate in the Settlement, and the processes  
10 for doing so; and the date and location of the final approval hearing. Accordingly, the Class Notice and  
11 the Class Forms are approved.

12           5.       Defendants' notice of the Settlement given to federal and state officials complies with the  
13 requirements of CAFA. Not later than ten days after the parties' Joint Motion for Conditional  
14 Certification of Class and Preliminary Approval of Class Action Settlement was filed, notice of the  
15 Settlement was mailed to the Attorney General of the United States of America and the appropriate state  
16 official in each state in which, based on defendants' records of last known mailing address, Class  
17 Members reside; and the notice contains the documents required by 28 U.S.C. section 1715(b)(1)-(8).  
18 On this basis, the notice of the Settlement is approved and the Court finds that defendants have  
19 discharged their obligations under CAFA to provide notice to the appropriate federal and state official.

20           6.       This action is granted conditional certification and the following persons are certified as  
21 Class Members solely for the purpose of entering a settlement in this matter:

22           All full-time Service Associates who worked for defendants in the State of California at  
23 any time during the period from May 22, 2003, to September 1, 2007, and outside of the  
24 State of California in the United States during the period from May 22, 2004, to  
September 1, 2007.

25           All part-time Service Associates who worked for defendants in the State of California at  
any time during the period from May 22, 2004, to September 1, 2007.

26           7.       Any Class Member who wishes to claim a Settlement Share has sixty (60) days after the  
27 date that the Settlement Administrator first mails the Class Notice to submit his or her completed Claim  
28 Form pursuant to the procedures set forth in the Settlement.

1           8. Any Class Member who wishes to comment on or object to the Settlement has sixty (60)  
2 days after the date that the Settlement Administrator first mails the Class Notice to submit his or her  
3 comment or objection pursuant to the procedures set forth in the Settlement.

4           9. Any Class Member who wishes to elect not to participate in the Settlement has sixty (60)  
5 days after the date that the Settlement Administrator first mails the Class Notice to submit his or her  
6 Election Not to Participate pursuant to the procedures set forth in the Settlement.

7           10. Rust Consulting, Inc. is appointed to act as the Settlement Administrator, pursuant to the  
8 terms set forth in the Settlement.

9           11. Plaintiff Tina Hopson is appointed the Class Representative. Edward J. Wynne, J.E.B.  
10 Pickett, and the Wynne Law Firm are appointed Class Counsel.

11           12. The Class Notice and the Class Forms will be disseminated according to the notice plan  
12 described in the Settlement and substantially in the form submitted by the parties. Proof of distribution  
13 of notice will be filed by the parties at or prior to the final approval hearing.

14           13. A final hearing will be held on December 16, 2008, to determine whether the Settlement  
15 should be granted final approval as fair, reasonable, and adequate as to the Class Members. The Court  
16 will hear all evidence and argument necessary to evaluate the Settlement, and will consider plaintiff's  
17 request for a Class Representative Payment and Class Counsel's request for a Class Counsel Fees and  
18 Expenses Payment. Class Members and their counsel may support or oppose the Settlement and the  
19 motion for awards of the Class Representative's Payment and the Class Counsel Fees and Expenses  
20 Payment, if they so desire.

21           14. Any Class Member may appear at the final approval hearing in person or by his or her  
22 own attorney, and show cause why the Court should not approve the Settlement, or object to the motion  
23 for awards of the Class Representative Payment and the Class Counsel Fees and Expenses Payment. For  
24 any comments or objections to be considered at the hearing, the Class Member must file comments with  
25 the Clerk of Court indicating briefly the nature of the Class Member's comments, support or objection.  
26 Such comments must be filed with the Court, and mailed to Class Counsel and defendants' Counsel, not  
27 later than October 14, 2008.  
28

Elizabeth D. Laporte  
United States Magistrate Judge